

REMARKS/ARGUMENTS

This paper is submitted responsive to the office action mailed March 10, 2010. Reconsideration of the application in light of the accompanying remarks and arguments is respectfully requested.

The office action contains a final rejection of claims 1-13, 16-21 and 24 as anticipated by U.S. 5,534,328 to Ashmead et al. (hereafter Ashmead). The action also contains a rejection under 35 U.S.C. 103 (a) that claims 14, 15, 22 and 23 are obvious over Ashmead.

As will be further explained below, while in the response to arguments section, the Examiner asserts that the heat exchange channel 74 of Ashmead is separate and distinct from the mixing chamber, the point is that the heat exchange channel 74 of Ashmead is not within a wall of the at least one mixing chamber.

Claim 1 calls for the walls of the at least one mixing chamber to have at least one temperature control channel, which is separate and discreet from the at least one mixing chamber, for feeding or removing energy to or from the at least one mixing chamber. This is evident in the drawings, wherein the mixing chamber is illustrated in Fig. 2h as the passageways 177 which connect distribution passages 161 and distribution passages 181. Also as shown in Fig. 2h, heat exchange channels are defined in the walls of the mixing chamber at least as 173, 175, 176 and 177. These are separate and discreet heat exchange channels in the walls of the mixing chamber.

Turning to Ashmead, Fig. 2 shows a stacking of plates and the bottom and top surfaces of adjacent plates define various different segments of the device illustrated.

The mixing chamber 64 referred to by the Examiner is described at Column 11, Lines 3-12, as being defined by first

pathway 264 formed on the bottom of the second lamina 200 and the second pathway 364 formed on the top of the third lamina 300. Thus, the mixing chamber 64 is defined between laminae 200 and 300. The heat exchanger 74 referred to by the Examiner is defined between the lower surface of lamina 500 and the upper surface of lamina 600. Significantly, this heat exchanger does not form a wall of the mixing chamber. Furthermore, there is in fact a thermal barrier between the mixing chamber and the heat exchanger which is defined between the lower surface of lamina 400 and the upper surface of lamina 500.

Based upon the foregoing, it is respectfully submitted that Ashmead clearly does not anticipate the listed claims because Ashmead does not disclose or suggest a temperature control channel in a wall of the at least one mixing chamber as called for by current independent claim 1.

Based upon the foregoing, it is respectfully submitted that claim 1 is allowable over all art of record. Furthermore, dependent claims 2-24 all depend directly or indirectly from independent claim 1 and are submitted to be allowable based upon the arguments set forth above.

Each of these dependent claims is also submitted to contain allowable subject matter in its own right. For example, dependent claim 12 calls for the wall of the at least one mixing chamber to comprise a plurality of plates and/or sheets bearing against one another. This claim further calls for the at least one temperature control channel and the at least one mixing chamber to be formed by cut-outs in the plates or sheets. Ashmead does not disclose or suggest the temperature control channel being formed as a cut-out in the plates or sheets which define the walls of the mixing chamber. Claim 12 further recites allowable subject matter.

Appln. 10/553,404

Response dated July 9, 2010

An earnest and thorough effort has been made to respond to all issues raised in the action and to place this application in condition for allowance. If upon consideration of this response, the Examiner is of the opinion that issues remain which could be resolved by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

It is believe that no fee is due in connection with this paper. If any fee is due, please charge same to Deposit Account 02-0184.

Respectfully submitted,

Martin Brenner et al.

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